

Case 3:20-cv-01258-C-BN Document 6 Filed 05/14/20 Page 1 of 2 PageID 65

ORIGINAL IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

TEXAS
MAY 14 2020

CLERK, U.S. DISTRICT COURT
By _____ Deputy

KEPHREN THOMAS #20008708
PETITIONER

MARIAN BROWN DALLAS COUNTY
SHERIFF

RESPONDENT

CASE NO. **3-20CV1258-C**

MOTION FOR TEMPORARY
RESTRANDING ORDER /
PRELIMINARY INJUNCTION

To THE PRESIDING JUDGE FOR THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS
DIVISION:

COMES NOW, KEPHREN THOMAS, HERINAFTER PETITIONER
SEEKING A TEMPORARY RESTRAINING ORDER & PRELIMINARY
INJUNCTION FOR IMMEDIATE RELEASE FROM
CUSTODY, STEMMING FROM THE COVID-19 PANDEMIC

PETITIONER HEREBY ALLEGES THAT THE CONDITIONS OF
CONFINEMENT WITHIN THE FACILITY VIOLATE THE DUE PROCESS
CLAUSE OF THE 5TH & 14TH AMENDMENT TO THE UNITED STATES
CONSTITUTION. THE CONDITIONS AMOUNT TO PUNISHMENT OF A
PRE TRIAL DETAINEE WITH NO LEGITIMATE PURPOSE. THE LACK
OF IMPLEMENTATION OF PROPHYLACTIC PROCEDURES & REFUSAL
TO PROTECT PETITIONER FROM HARM ASSOCIATED WITH COVID-
19 SIGNIFIES DELIBERATE INDIFFERENCE TO PETITIONERS DUE
PROCESS RIGHTS WHEN THE COURT TAKES INTO ACCOUNT
PETITIONER'S UNDERLYING MEDICAL CONDITION(S)

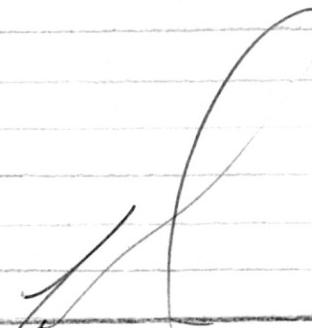
PETITIONER & MOVANT ALLEGES THAT 1 THERE IS A SUBSTANTIAL
LIKELIHOOD OF SUCCESS ON THE MERITS; 2. A SUBSTANTIAL THREAT
OF IRREPARABLE HARM IF THE INJUNCTION IS NOT GRANTED; 3.
THE THREATENED INJURY OUTWEIGHS ANY HARM THAT MAY RESULT

FROM THE INJUNCTION TO THE NON-MOVANT, & (4) THAT THE
INJUNCTION WILL NOT UNDERMINE THE PUBLIC INTEREST

WHEREFORE PETITIONER REQUESTS THE COURT GRANT
PETITIONERS ^{REQUEST} FOR TEMPORARY RESTRAINING ORDER
& PRELIMINARY INJUNCTION DIRECTING DALLAS COUNTY
SHERIFF RELEASE PETITIONER IMMEDIATELY, SUBJECT TO
BOND CONDITIONS IN CAUSE NO F2036078 & M2020487
TO ALLOW PETITIONER TO PAY ELECTRONIC MONITORING & ANY
OTHER FEES AS REIMBURSEMENT FEES, COURT COSTS OR WAIVE
FEES. TO ORDER DALLAS COUNTY COURT NOT TO REARREST
PETITIONER PENDING THE HEARING ON SAID HABEAS CORPUS
UNLESS PETITIONER VIOLATES CONDITION(S) OF RELEASE
PETITIONERS MEDICAL RECORDS BE FILED UNDER SEAL TO
MAINTAIN THE PRIVACY OF SAID RECORDS & GIVE EMERGENCY
CONSIDERATION TO SAID MOTION(S)

I, THE UNDERSIGNED AFFIANT, BEING COMPETENT & HAVING
PERSONAL KNOWLEDGE OF THE FACTS CONTAINED HEREIN, VERIFY
UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED
STATES ARE TRUE & CORRECT IN ACCORDANCE WITH 28 USC
§1746

5/11/20
DATE


KEPHREN THOMAS
#20008708
NT/2E-02
DALLAS COUNTY JAIL
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Dallas TX 75266